

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DR. ROBERT NICHOLS)	
216 HART AVE.)	
MINERVA, OH 44657)	CASE NO.
)	
and)	JUDGE
)	
RACHEL BYFUS NICHOLS)	
216 HART AVE.)	
MINERVA, OH 44657)	
)	
Plaintiffs)	
)	
VILLAGE OF MINERVA, OHIO)	<u>COMPLAINT</u>
209 N. MARKET ST.)	
MINERVA, OH 44657)	
)	<u>JURY TRIAL DEMANDED</u>
and)	
)	
VILLAGE OF MINERVA, OHIO)	
POLICE DEPARTMENT)	
209 N. MARKET ST.)	
MINERVA, OH 44657)	
)	
and)	
)	
OFFICER JOHN DOE)	
VILLAGE OF MINERVA, OHIO)	
POLICE DEPARTMENT)	
209 N. MARKET ST.)	
MINERVA, OHIO 44657)	
)	
Defendants)	

Now come the Plaintiffs, Dr. Robert Nichols and Rachel Byfus Nichols, by and through counsel, and complain and allege a cause of action as follows:

I.

JURISDICTION

1. This action arises under the United States Constitution, particularly under the provision of the Fourth and Fourteenth Amendments to the Constitution of the United States, and under federal law, Title 42 of the United States Code, Section 1983.

2. This Court has jurisdiction of this cause under and by virtue of Title 8 of the United States Code, Section 1343.

II.

PARTIES

3. Plaintiffs, Dr. Robert Nichols and Rachel Byfus Nichols, (Plaintiffs), are citizens of the United States of America and residents of the Village of Minerva, Ohio, and the State of Ohio.

4. Defendants, Officer John Doe, and the Village of Minerva Police Department, (Defendants), are now, and at all times material, were duly appointed, employed and acting law enforcement officers and/or agency of the Village of Minerva, Ohio, a governmental subdivision of the State of Ohio.

III.

CONDUCT GIVING RISE TO VIOLATIONS OF LAW

5. The acts alleged in this complaint to have been done by Defendants were done by them not as individuals, but under the color of authority of the laws of the State of Ohio, the Village of Minerva, Ohio, and under the authority as law enforcement officers and/or agency for said Village and State.

6. Plaintiff, Dr. Robert Nichols, is the owner of a residence located at 216 Hart Ave., Minerva, Ohio, and is the owner of a chiropractic clinic and wellness center in Minerva, Ohio.

7. From the dates of May 19, 2013 through August 21, 2013, the Defendants' actions under color of law, harassed, humiliated and charged members of the Plaintiffs' family with various offenses for the sole purpose of harassment.

8. As a result of the unconstitutional actions of the Defendants, the Plaintiffs and their family members were charged with various criminal offenses.

9. As a result of Defendants' actions, the Plaintiffs' children were charged with various offenses and the Plaintiffs themselves were charged, as well.

10. Subsequently, the various criminal complaints were resolved with no contest pleas and minimal fines.

11. As a result of the actions of the Defendants, the Plaintiffs suffered injury to their reputations, emotional distress, humiliation and were forced to hire and pay counsel.

VI.

VIOLATIONS OF LAW ALLEGED

12. The conduct of the Defendants deprived Plaintiffs of the right to be secure in their person and effects and home against unreasonable search and seizure under the Fourth and Fourteenth Amendments to the Constitution of the United States. (U.S. Const. Amend. VI, XIV).

13. The conduct of Defendants deprived Plaintiffs of their civil rights in violation of Title 42 of the United States Code, Section 1983. (42 U.S.C. Sec. 1983).

14. Plaintiffs allege that the acts, conducts and behavior of Defendants were performed knowingly, intentionally, maliciously, and with callous indifference to Plaintiffs' civil rights.

V.

PRAYER FOR RELIEF

Plaintiffs request judgment against Defendants, and each of them, jointly and singly, for the following:

1. General compensatory damages for lost revenues and profits, future loss of income, emotional distress, humiliation, and injury to Plaintiffs' reputations, in excess of \$250,000.00;
2. Punitive damages in excess of \$1,000,000.00;
3. Plaintiffs' cost of suit and attorney fees; and
4. Such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs demand a trial by jury, pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, of all issues triable by right of jury.

Respectfully submitted,

/s/ Harvey B. Bruner
HARVEY B. BRUNER, 0004829
HARVEY B. BRUNER CO., LPA
Hoyt Block Building
700 W. St. Clair Ave., Suite 110
Cleveland, Ohio 44113
(216) 566-9477- phone
(216) 566-9966- fax
harvey@harveybruner.com
Attorney for Plaintiff